

*Attorneys for Defendant  
Christopher M. Espinosa*

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CLERK OF COURT

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*Attorneys for Defendant*  
*Christopher M. Espinosa*

**IN THE UNITED STATES DISTRICT COURT OF GUAM**

UNITED STATES OF AMERICA,	)	CRIMINAL CASE NO. 05-00053-001
	)	
Plaintiff,	)	
	)	
vs.	)	<b>DECLARATION OF G. PATRICK</b>
	)	<b>CIVILLE IN SUPPORT OF MOTION</b>
CHRISTOPHER M. ESPINOSA and BRIAN	)	<b>TO CONTINUE TRIAL</b>
ELM	)	
	)	
Defendants,	)	
	)	

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1. I am counsel for Defendant Christopher M. Espinosa, having been appointed pursuant to the Criminal Justice Act. I submit this declaration in support of the accompanying Motion to Continue Trial. I have personal knowledge of the facts stated herein and, if called as a witness, could and would testify competently thereto.

2. I request that the trial of the above matter, which is scheduled to begin on April 3, 2006, be continued at least ten (10) days, or until a time convenient for the Court and the other parties.

3. The basis for this request is that I am in Honolulu, Hawaii for medical treatment, which will continue until April 5. On February 2, 2006, I was diagnosed as having skin cancer on my nose and advised to have surgery. Because of the size and location of cancer, the surgical procedure I needed was not available on Guam and I made arrangements to have surgery in Honolulu.

4. I intended to have surgery in February, but a jury trial in which I was involved, which began in early February, lasted five weeks instead of the two weeks originally anticipated. As a result, I was not able to have surgery in February. By the time the trial ended, my surgeon in Honolulu was on vacation and the surgery could not be scheduled until the latter part of March.

5. I had surgery to remove the cancer on March 21, 2006. Because the cancer had grown since the original diagnosis, the surgery was more extensive than originally contemplated and my surgeon determined that a skin graft was needed to cover the area removed during the surgery.

6. A skin graft on my nose was performed on Friday, March 24, 2006. Follow up procedures relating to the skin graft are scheduled at Straub Medical Center, Honolulu on March 29 and March 31, with a final examination scheduled for April 5. My surgeon has advised me not to fly until after my final examination. Copies of my appointment cards for the 29<sup>th</sup> and 31<sup>st</sup> and a confirming note from my surgeon are attached hereto. I will not be given an appointment card for the April 5 examination until a firm time is set after my appointment on the 31<sup>st</sup>.

7. The next flight to Guam after the final examination is on April 6, arriving on Guam the evening of April 7.

8. I am not able to meet with my client while I am in Hawaii and I am therefore unable to complete my final trial preparations until I return to Guam. For this reason I request that trial not commence before April 14 so that I may have ample opportunity to meet and confer with my client in final preparation for trial.

9. I have spoken to the secretary for Russell Stoddard, the trial attorney for the United States in this matter. Mr. Stoddard is currently off island, but his secretary informed me that Mr. Stoddard does not object to a continuance, but that he requests the trial be set after May 10, 2006 because he will be off island during the latter part of April and the early part of May.

10. I have also spoken to Mr. Van de Veld, who represents the co-defendant Brian Elm. Mr. Van de Veld does not object to the requested continuance and also request a May trial date. Mr. Van de Veld is also seeking a continuance due to scheduling conflict.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed in Honolulu, Hawaii, on March 26, 2006.

  
G. PATRICK CVILLE

CIVILLE, PATRICK  
09/30/1951 54 Y  
JENNY L STONE, MD  
V#:110255072  
208 PIMS (C) NETCARE

22-05-82-34  
C#:  
03/24/2006

# Straub

## CLINIC & HOSPITAL

18 South King Street • Honolulu, Hawaii 96813

### Medical Certificate

This is to certify that the above patient ☒ is ☐ has been under my professional care and  
☒ was unable to perform his/her usual duties from 3/17/06 to 4/5/06  
☐ may return to work/school on \_\_\_\_\_  
☐ may continue to work/in school until \_\_\_\_\_

Remarks: Patient had to remain in Honolulu for  
surgery and necessary follow up. Patient  
unable to travel until 04/05/06

3/24/06  
Current Date  
73025 (01/00/00) BR

Physician

M.D.

3:00 for L.E.T.

~~3:00~~ bolster removal  
arrive @ 8:15

Pl. Life #  
Ceville, Patrick  
Name  
3/24/06 3:30 graft  
Date Time

Pl. Life #  
Ceville, Patrick  
Name  
3/29/06 8:30  
Date Time